MSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 776 OF 2005

NAMDEO KASHINATH AHER & ANR. .. PETITIONERS

Vs.

M/s. HINDUSTAN PETROLEUM CORPORATION LTD. & ORS. .. RESPONDENTS

Mr. C. J. Sawant with P.P. Chavan i/b Vinay M. Bhate for petitioners

Mr. M. D. Siodia i/b Rustomji & Ginwala for R-1 to 4

CORAM: SMT. RANJANA DESAI &
SMT. R. S. DALVI,JJ.

DATE: DECEMBER 10, 2007.

P.C.

. Heard learned counsel for the parties.

2. Perused the affidavit of Mr. Ashok Singh, Regional Manager of the 2nd respondent. Admittedly there is an arbitration clause in the agreement between the two sides. In view of the said arbitration clause and in the light of the judgment of the Supreme Court in **Hindustan Petroleum Corpn. Ltd. v. M/s. Pinkcity Midway Petroleums, AIR 2003 SC 2881**, and judgments of this court in **Jivan**

Service Centre v. Hindustan Petroleum Corporation Ltd., 1999(2) Arb. L.R. 638 (Bombay) and **Hindustan Petroleum Corporation Ltd. v. Mr. Labhasingh Sohan Singh, Appeal from Order No. 797 of 2001, decided on 30/1/2002**, learned counsel for the petitioners and learned counsel for 2nd respondent agree that they shall refer the dispute to the Arbitrator. No further order is necessary.

3. Petition is disposed of in the above terms.

JUDGE

JUDGE